

AN ACT

RELATING TO CHILDREN; ENACTING THE PRE-KINDERGARTEN ACT;
PROVIDING FOR VOLUNTARY PARTICIPATION IN PRE-KINDERGARTEN
PROGRAMS; PROVIDING FOR REQUESTS FOR PROPOSALS; CREATING
FUNDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Children's Code is
enacted to read:

"SHORT TITLE.--This act may be cited as the "Pre-
Kindergarten Act"."

Section 2. A new section of the Children's Code is
enacted to read:

"FINDINGS AND PURPOSE.--The legislature finds that:

A. special needs are present among the state's
population of four-year-old children and those needs warrant
the provision of pre-kindergarten programs;

B. participation in quality pre-kindergarten has a
positive effect on children's intellectual, emotional, social
and physical development; and

C. pre-kindergarten will advance governmental
interests and childhood development and readiness."

Section 3. A new section of the Children's Code is
enacted to read:

"DEFINITIONS.--As used in the Pre-Kindergarten Act:

A. "community" means an area defined by school district boundaries, tribal boundaries or joint boundaries of a school district and tribe or any combination of school districts and tribes;

B. "departments" means the children, youth and families department and the public education department acting jointly;

C. "early childhood development specialist" means the adult responsible for working directly with four-year-old children in implementing pre-kindergarten services;

D. "eligible provider" means a person licensed by the children, youth and families department that provides early childhood developmental readiness services or preschool special education, or is a public school, tribal program or head start program;

E. "pre-kindergarten" means a voluntary developmental readiness program for children who have attained their fourth birthday prior to September 1; and

F. "tribe" means an Indian nation, tribe or pueblo located in New Mexico."

Section 4. A new section of the Children's Code is enacted to read:

"VOLUNTARY PRE-KINDERGARTEN--INTERAGENCY COOPERATION--
CONTRACTS--CONTRACT MONITORING--RESEARCH.--

A. The children, youth and families department and

the public education department shall cooperate in the development and implementation of a voluntary program for the provision of pre-kindergarten services throughout the state. The pre-kindergarten program shall address the total developmental needs of preschool children, including physical, cognitive, social and emotional needs, and shall include health care, nutrition, safety and multicultural sensitivity.

B. The departments shall collaborate on promulgating rules on pre-kindergarten services, including state policies and standards and shall review the process for contract awards and for the expenditure and use of contract funds.

C. The departments shall monitor pre-kindergarten contracts to ensure the effectiveness of child-centered, developmentally appropriate practices and outcomes. The departments shall assign staff to work on the development and implementation of the program and on the monitoring of contract awards. The early childhood training and technical assistance programs of the children, youth and families department and assigned staff from the public education department shall provide technical assistance to eligible providers.

D. The departments shall provide an annual report to the governor and the legislature on the progress of the state's voluntary pre-kindergarten program."

Section 5. A new section of the Children's Code is enacted to read:

"PRE-KINDERGARTEN--ELIGIBILITY.--Pre-kindergarten services may be provided by public schools or eligible providers on a per-child reimbursement rate in communities with the highest percentage of public elementary schools that are designated as Title 1 schools and that serve the highest percentage of public elementary students who are not meeting the proficiency component required for calculating adequate yearly progress."

Section 6. A new section of the Children's Code is enacted to read:

"REQUESTS FOR PROPOSALS--CONTRACTS FOR SERVICES.--

A. Each department shall publish a request for proposals for pre-kindergarten services.

B. Eligible providers shall submit proposals for pre-kindergarten services to each department. An eligible provider proposal shall include a description of the services that will be provided, including:

(1) how those services meet children, youth and families department standards;

(2) the number of four-year-old children the eligible provider can serve;

(3) site and floor plans and a description of the facilities;

(4) revenue sources and amounts other than state funding available for the pre-kindergarten program;

(5) a description of the qualifications and experience of the early childhood development staff for each site;

(6) the plan for communicating with and involving parents in the pre-kindergarten program;

(7) how those services meet the continuum of services to children; and

(8) other relevant information requested by the departments.

C. The public education department shall accept and evaluate proposals from school districts for funding for pre-kindergarten. The children, youth and families department shall accept and evaluate proposals from other eligible providers.

D. For funding purposes, proposals shall be evaluated on the percentage and number of public elementary schools in the community that are not meeting the proficiency component required for calculating adequate yearly progress and that are serving children, at least sixty-six percent of whom live within the attendance zone of a Title 1 elementary school. Additional funding criteria include:

(1) the number of four-year-olds residing in the community and the number of four-year-olds proposed to be

served;

(2) the adequacy and capacity of pre-kindergarten facilities in the community;

(3) language and literacy services in the community;

(4) the cultural, historic and linguistic responsiveness to the community;

(5) parent education services available for parents of four-year-olds in the community;

(6) the qualifications of eligible providers in the community;

(7) staff professional development plans;

(8) the capacity of local organizations and persons interested in and involved in programs and services for four-year-olds and their commitment to work together;

(9) the extent of local support for pre-kindergarten services in the community; and

(10) other relevant criteria specified by joint rule of the departments.

E. A contract with an eligible provider shall specify and ensure that funds shall not be used for any religious, sectarian or denominational purposes, instruction or material."

Section 7. A new section of the Children's Code is enacted to read:

"PROGRAM FUNDING.--The children, youth and families department shall reimburse eligible providers that are not offered in a public school. The public education department shall reimburse eligible providers that are public school programs."

Section 8. A new section of the Children's Code is enacted to read:

"FUNDS CREATED--ADMINISTRATION.--

A. The "public pre-kindergarten fund" is created as a nonreverting fund in the state treasury. The fund shall consist of appropriations, income from investment of the fund, gifts, grants and donations. The fund shall be administered by the public education department, and money in the fund is appropriated to the department to carry out the provisions of the Pre-Kindergarten Act. Disbursements from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the secretary of public education or the secretary's authorized representative. The department may use up to ten percent of the money in the fund each year for administrative expenses.

B. The "children, youth and families pre-kindergarten fund" is created as a nonreverting fund in the state treasury. The fund shall consist of appropriations, income from investment of the fund, gifts, grants and donations. The fund shall be administered by the children,

youth and families department, and money in the fund is appropriated to the department to carry out the provisions of the Pre-Kindergarten Act. Disbursements from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the secretary of children, youth and families or the secretary's authorized representative. The department may use up to ten percent of the money in the fund each year for administrative expenses."

Section 9. TEMPORARY PROVISION--APPROPRIATIONS.--Any money appropriated for pre-kindergarten programs in fiscal years 2005 through 2007 shall be divided equally between the public education department and the children, youth and families department.
